

REMARKS

Reconsideration of the application is respectfully requested. Support for all of the amendments made is found in the specification as filed. Claims 11, 12, 14, 15, 17-20 are currently pending. Claims 1-10, 13, 16, 21-34 have been canceled without prejudice. No new matter has been added.

A Petition for Extension of Time Under 37 CFR 1.136(a) is attached hereto requesting a two month extension of time whereby a response to the outstanding office action is now due by January 24, 2005. A check in the amount of \$580 which includes the large entity \$450 fee for said petition is also attached hereto.

The Office Action objects to the specification as, in the abstract, on line 12, "received" should be replaced with -receive- and, on line 15, the word "and" should be deleted.

In response, the abstract has been amended as helpfully suggested by the Examiner.

In light of the amendments to the abstract and the above remarks, applicant respectfully requests withdrawal of the objection to the specification.

The Office Action objects to claims 5 and 26-34 for certain informalities. However, those claims have been canceled without prejudice thereby rendering the objection moot.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the objections to the claims.

The Office Action rejects claims 5, 6, 11-22 and 27 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the office action states that the examiner is unclear as, with regard to claims 11 and 14, the limitation "handle rotatable engaging a cam plate" since the handle does not rotate with respect to the cam plate.

In response, the word "rotatably" has been deleted from claims 11 and 14.

With regard to a similar concern expressed regarding language in claims 5 and 27, those claims have been canceled without prejudice thereby rendering the rejection moot with respect to those claims.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of claims 5, 6, 11-22 and 27 under 35 USC 112, second paragraph.

The Office Action rejects claims 1-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent 6,508,087 to Lemley.

The Office Action rejects claims 1-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent 6,592,155 to Lemley.

As noted in the Office Action, a timely filed terminal disclaimer may be used to overcome an actual or provisional rejection provided the conflicting patents are shown to be commonly owned. For the record, the properties at issue are commonly owned by Mobile Mini, Inc. of Tempe, Arizona. The assignments to that entity are recorded as follows:

- 1) the present application, Reel 014283, Frame 0165;
- 2) U.S. Patent 6,508,087, Reel 011863, Frame 0542; and
- 3) U.S. Patent 6,592,155, Reel 012184, Frame 0481.

Attached hereto is a terminal disclaimer in compliance with 37 CFR 1.321c. To avoid paying two terminal disclaimer fees, and in accordance with MPEP 804.02(IV), a single terminal disclaimer is being filed wherein all the conflicting double patenting references are disclaimed therein.

A check in the amount of \$580 is attached hereto which includes the \$130 large entity fee for a terminal disclaimer.

In light of the attached terminal disclaimer and the above remarks, applicant respectfully requests withdrawal of the rejection of claims 1-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over either claims 1-24 of U.S. Patent 6,508,087 to Lemley or claims 1-21 of U.S. Patent 6,592,155 to Lemley.

The Office Action indicates that claims 13 and 16 are objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, base claim 11 has been amended to include the limitations of claim 13. There were no intervening claims. Now redundant claim 13 has been canceled without prejudice. Thus, claim 11 and its dependent claim 12 should now be in allowable form.

Further, base claim 14 has been amended to include the limitation of its dependent claim 16. There were no intervening claims. Now redundant claim 16 has been canceled without prejudice. Thus, claim 14 and its dependent claims 15, 17-20 should now be in allowable form.

The Office Action rejects claims 1, 2, 4, 5, 8-11, 21, 23-25, 28, 29, 32-34 under 35 USC 102(b) as being anticipated by Bunger (Pat. No. 5,029,909). Applicant respectfully traverses this rejection. However, to advance the prosecution of this application, applicant has canceled without prejudice claims 1, 2, 4, 5, 8-10, 21, 23-25 and 32-34 thereby rendering the rejection of those claims moot.

In addition, as noted above, claim 11 has been amended to include the limitation of claim 13 also rendering this rejection moot with respect to that claim.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of pending claims 1, 2, 4, 5, 8-11, 21, 23-25, 28, 29, 32-34 under 35 USC 102(b) as being anticipated by Bunger (Pat. No. 5,029,909).

The Office Action rejects claims 1-5, 7-10, 21-29 and 31-34 under 35 USC 102(b) as being anticipated by Behrens (Pat. No. 3,088,548). Applicant respectfully traverses this rejection. However, to advance the prosecution of this application, applicant has canceled without prejudice claims 1-5, 7-10, 21-29 and 31-34 thereby rendering the rejection of those claims moot.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of pending claims 1-5, 7-10, 21-29 and 31-34 under 35 USC 102(b) as being anticipated by Behrens (Pat. No. 3,088,548).

The Office Action rejects claims 3, 14, 17, 19-21, 27 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909) in view of Behrens (Pat. No. 3,088,548). Applicant respectfully traverses this rejection. However, to advance the prosecution of this application, applicant has canceled without prejudice claims 3, 21 and 27 thereby rendering the rejection of those claims moot.

In addition, as noted above, claim 14 has been amended to include the limitation of claim 16 also rendering this rejection moot with respect to that claim and its dependent claims 17, 19 and 20.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of pending claims 3, 14, 17, 19-21, 27 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909) in view of Behrens (Pat. No. 3,088,548).

The Office Action rejects claims 6 and 23 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909). Applicant respectfully traverses this rejection. However, to advance the prosecution of this application, applicant has canceled without prejudice claims 6 and 23 thereby rendering the rejection of those claims moot.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of pending claims 6 and 23 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909).

The Office Action rejects claims 12 and 15 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909) in view of Moreland (Pat. No. 786,586). Applicant respectfully traverses this rejection.

As noted above, claim 11 has been amended to include the limitation of claim 13 also rendering this rejection moot with respect to its dependent claim 12.

Further, as also noted above, claim 14 has been amended to include the limitation of claim 16 also rendering this rejection moot with respect to its dependent claim 15.

In light of the amendments to the claims and the above remarks, applicant respectfully requests withdrawal of the rejection of pending claims 12 and 15 under 35 USC 103(a) as being unpatentable over Bunger (Pat. No. 5,029,909) in view of Moreland (Pat. No. 786,586).

In light of the above amendments and remarks, Applicant believes that the application is now in condition for allowance such action is earnestly solicited.

Respectfully submitted,

Frank J. McGue  
(Reg. No. 33,422)  
Attorney of Record

10801 North 32nd Street  
Suite 5  
Phoenix, AZ 85028  
(602) 494-0311

**CERTIFICATE OF MAILING**

I hereby certify that this AMENDMENT A and its attachments, namely, A Terminal Disclaimer To Obviate a Double Patenting Rejection Over a "Prior" Patent, Petition For Extension of Time Under 37 CFR 1.136(a), a check in the amount of \$580 and a postcard, are being deposited with the U.S. Postal Service as First Class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 20, 2005.

Frank J. McGue